

## SENATE BILL NO. 447

INTRODUCED BY C. CHRISTIAENS

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF A HAND-HELD ELECTRONIC COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE ON A PUBLIC ROAD IN THE STATE; PROVIDING AN EXCEPTION FOR AN ELECTRONIC COMMUNICATION DEVICE THAT HAS A SPEAKER FIXED OR ATTACHED TO THE VEHICLE BODY OR THE OPERATOR; PROVIDING FOR PENALTIES; AMENDING SECTION 61-8-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-8-302, MCA, is amended to read:

**"61-8-302. Careless driving -- hand-held electronic communication device illegal -- exception. (1)**

A person operating or driving a vehicle of any character on a public highway of this state shall drive it in a careful and prudent manner so as not to unduly or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the street or highway.

(2) Except as provided in subsection (3), a person may not use or hold ready for use an electronic communication device while operating or driving a vehicle on a public highway of this state. A violation of this subsection is subject to the penalties provided in 61-8-711.

(3) The prohibition in subsection (2) does not apply to an electronic communication device that has a speaker fixed or attached either to the body of the vehicle or to the person operating the vehicle and that does not require the operator to use one or both hands for speaker use."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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